

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN DOE,

Plaintiff,

v.

No. 1:23-cv-01052-SMD-SCY

QUESTA INDEPENDENT
SCHOOL DISTRICT, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on Defendants' Joint Motion for Judgment on the Pleadings for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). Doc. 33. On April 11, 2025, Defendants filed a joint motion seeking dismissal of Plaintiff's claims as a matter of law. *Id.* at 1. Defendants stated that Plaintiff opposes the motion. *Id.* Per this Court's local rules, Plaintiff had fourteen days to respond to Defendants' motion. D.N.M.LR.-Civ. 7.4(a). Now, over two months later, Plaintiff has yet to file a response. "The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b).

However, because a ruling in favor of Defendants would dispose of Plaintiff's suit in its entirety, the Court has instead elected to give Plaintiff an opportunity to respond. *See Robinson v. Medevac Midamerica, Inc.*, No. 06-4042-SAC, 2006 WL 2726794, at *1 (D. Kan. Sept. 22, 2006) (entering order to show cause after plaintiff failed to respond to defendant's motion for judgment on the pleadings).

The Court orders as follows:

1. The Plaintiff shall submit, in writing, an explanation as to:

- a. The reason for its lack of response.
- b. Why Defendants' motion should not be granted.

Plaintiff shall respond to this Order by **June 23, 2025**.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read 'SMD', with a long horizontal flourish extending to the right.

SARAH M. DAVENPORT

UNITED STATES DISTRICT JUDGE